

Members

Sen. Patricia Miller, Chairperson  
Sen. Brandt Hershman  
Sen. John Waterman  
Sen. Connie Sipes  
Sen. Allie Craycraft  
Sen. Larry Lutz  
Rep. Timothy Neese, Vice-Chairperson  
Rep. Andrew Thomas  
Rep. Ralph Ayres  
Rep. Trent Van Haaften  
Rep. Vern Tinch  
Rep. David Crooks



## INTERIM STUDY COMMITTEE ON CRIMINAL JUSTICE MATTERS

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Authority: Legislative Council Resolution 06-01

### MEETING MINUTES<sup>1</sup>

Meeting Date: August 2, 2006  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington St., Room 431  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Sen. Patricia Miller, Chairperson; Sen. John Waterman; Sen. Connie Sipes; Sen. Allie Craycraft; Sen. Larry Lutz; Rep. Timothy Neese, Vice-Chairperson; Rep. Ralph Ayres; Rep. Trent Van Haaften; Rep. Vern Tinch.

**Members Absent:** Sen. Brandt Hershman; Rep. Andrew Thomas; Rep. David Crooks.

### Call to Order

Senator Patricia Miller, Chairperson, called the meeting to order at 10:07 a.m. and introduced the members of the committee. Andrew Hedges, counsel to the committee, distributed a packet of information concerning coroners to the committee members. See Exhibit 1.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

### **Constitutional issues relating to coroners**

Bob Rudolph, an attorney for the Legislative Services Agency, testified concerning provisions of the Indiana constitution that relate to coroners. See Exhibit 1. Mr. Rudolph explained that Article 6, Section 2 of the Indiana constitution permits the General Assembly to establish the duties of a coroner, but that the constitution as well as case law prohibits the General Assembly from barring a person without certain qualifications from assuming the office of coroner. In response to a question from Representative Van Haaften, Mr. Rudolph explained that the constitution would not permit the General Assembly to prohibit a person without specified training from becoming a coroner, but that it was at least arguable that the constitution would permit the General Assembly to require duly elected coroners to receive specialized training after assuming the office.

### **Statutory duties of coroners and deputy coroners**

Legislative Services Agency attorney Andrew Hedges summarily outlined the responsibilities of coroners and deputy coroners. See Exhibit 2. In response to a question from Senator Miller, Mr. Hedges confirmed that deputy coroners could take as long as two years to complete their required training.

### **Training, certification, and qualification of coroners and deputy coroners**

Boone County Coroner Richard Dowden, a member of the Indiana State Coroner Training Board, testified that Indiana is the only state that requires training for deputy coroners. Dr. Dowden explained that deputy coroners were required to receive 48 hours of classroom instruction and complete a three-hour examination. Dr. Dowden noted that the initial pass rate for the examination was 20%, but that the pass rate was now 50%. Dr. Dowden testified that he would like for coroners to also be required to take 48 hours of classroom instruction, although he did not believe that the examination should be a requirement. See Exhibit 3. Dr. Dowden testified that he believed that the two year period by which deputy coroners must complete their training should be shortened.

In response to a question from Senator Miller concerning the victim misidentification in Grant County, Dr. Dowden explained how victim identification was determined. DNA is the "gold standard," followed by forensic odontology (the use of dental records), fingerprint identification, personal identification by family members, and identification based on other characteristics, such as clothing or personal effects.

Representative Tinch noted that a county council would have the authority to reduce the budget of a coroner who did not receive prescribed training. Representative Neese noted that county assessors receive additional compensation if they have received additional training.

Senator Miller distributed a document she received from a coroner who could not attend the meeting concerning methods of improving Indiana's death investigation system. See Exhibit 4.

### **Bodily fluids of a decedent**

Richard Alfeld, Allen County deputy coroner, testified that while coroners were entitled to automatically receive certain medical records of a decedent, they were required to use a subpoena to receive blood draws and other fluid samples relevant to determining the cause of death. Mr. Alfeld testified that coroners should be able to receive fluid samples as easily as other medical records.

**Anatomical gifts**

Sam Davis of the Indiana Organ Procurement Organization testified that the revised uniform anatomical gift act contained new language proposing more dynamic cooperation between coroners and organ banks. Mr. Davis testified that coroners should also receive training concerning the preservation of organs during an investigation.

**Qualifications for other elected officials**

Warren Township assessor William Birkle testified that he believed that both county and township assessors should have received appropriate certification before they take office. Mr. Birkle testified that this certification was particularly important in the light of the new property tax system. Senator Craycraft stated that he believed that certification should occur after a person was elected as an assessor and should not be a prerequisite, since this would limit the number of non-incumbents who seek the office.

**DMORT**

Eric Dietz, executive director of the Indiana Department of Homeland Security, proposed the creation of a disaster mortuary operational response team ("DMORT") to assist coroners after a disaster. DMORT would consist of equipment and expertise in dealing with a large scale disaster. See Exhibit 5 and Exhibit 6.

**Other business**

The committee set the next two meetings for August 30, 2006, at 10:00 a.m., and September 20, 2006, at 10:00 a.m. Senator Miller adjourned the committee at 11:25 a.m.